

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>JEROME COAST, JR,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>Case No. 5:24-cv-309-MTT-AGH</b>
	:	
<b>DEPARTMENT OF</b>	:	
<b>CORRECTION, <i>et al.</i>,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

**ORDER**

In accordance with the Court’s previous orders and instructions, *pro se* Plaintiff Jerome Coast, Jr., an inmate presently incarcerated in the Georgia Diagnostic and Classification Prison in Jackson, Georgia, filed a certified copy of his prison trust fund account statement (ECF No. 6). To the extent that he requests it, Plaintiff is permitted to proceed *in forma pauperis*. However, Plaintiff must pay an initial partial filing fee of \$27.50 and comply with the Court’s previous order to recast his complaint on the Court’s standard form if he wishes to proceed with this action.

**MOTION TO PROCEED IN FORMA PAUPERIS**

Plaintiff filed a certified copy of his prison trust fund account information that the Court liberally construes as a motion for leave to proceed *in forma pauperis* (ECF No. 6). A review of this submission demonstrates that Plaintiff is presently unable to pay the cost of commencing this action. Plaintiff will therefore be permitted to proceed *in forma pauperis* in this case. Even if a prisoner is allowed to proceed *in*

*forma pauperis*, however, he must still pay the full amount of the \$350.00 filing fee in installments based on funds in the prisoner's account. When a prisoner has funds in his account, he must pay an initial partial filing fee of twenty percent of the greater of (1) the average monthly deposits to the prisoner's account, or (2) the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1). Plaintiff's prison trust fund account statement shows he has average monthly deposits of \$137.50 to his account in the six months prior to the filing of his Complaint, and he receives relatively regular deposits. Trust Fund Account Statement 2, ECF No. 6. Twenty percent of \$137.50 is \$27.50. Plaintiff is therefore **ORDERED** to pay an initial partial filing fee of \$27.50.

Following payment of the initial partial filing fee, money will be deducted from Plaintiff's account until the filing fee (\$350.00) is paid in full as set forth in § 1915(b) and explained below. It is accordingly **DIRECTED** that the **CLERK** forward a copy of this **ORDER** to the business manager of the facility in which Plaintiff is incarcerated so that withdrawals from his account may begin as payment towards the filing fee. The district court's filing fee is not refundable, regardless of the outcome of the case, and must be paid in full even if the Plaintiff's complaint (or any part thereof) is dismissed prior to service.

I. Directions to Plaintiff's Custodian

It is **ORDERED** that the warden of the institution in which Plaintiff is incarcerated, or the sheriff of any county in which he is held in custody, and any

successor custodians, each month cause to be remitted to the Clerk of this Court twenty percent (20%) of the preceding month's income credited to Plaintiff's account at said institution until the \$350.00 filing fee has been paid in full. In accordance with provisions of the Prison Litigation Reform Act ("PLRA"), Plaintiff's custodian is authorized to forward payments from the prisoner's account to the Clerk of Court each month until the filing fee is paid, provided the amount in the account exceeds \$10.00. It is further **ORDERED** that collection of monthly payments from Plaintiff's trust fund account continue until the entire \$350.00 has been collected, notwithstanding the dismissal of Plaintiff's lawsuit (or any part thereof) or the granting of judgment against him prior to the collection of the full filing fee.

## II. Plaintiff's Obligations on Release from Custody

Plaintiff should keep in mind that his release from incarceration does not release him from his obligation to pay the installments incurred while he was in custody. Plaintiff remains obligated to pay those installments justified by the income in his prisoner trust account while he was detained. If Plaintiff fails to remit such payments, the Court authorizes collection from Plaintiff of any balance due on these payments by any means permitted by law. Plaintiff's complaint may be dismissed if he is able to make payments but fails to do so or if he otherwise fails to comply with the provisions of the PLRA.

Plaintiff has **FOURTEEN (14) DAYS** from the date shown on this Order to pay a partial filing fee of \$27.50. If circumstances have changed and Plaintiff cannot pay the initial partial filing fee as ordered, Plaintiff should file a renewed motion for

leave to proceed *in forma pauperis*, accompanied by an updated prison trust fund account statement covering the most recent six months, explaining such change in circumstances within **FOURTEEN (14) DAYS** of the date of this Order.

While Plaintiff's custodian is ordered to make subsequent payments on Plaintiff's behalf, Plaintiff should note that it is **HIS RESPONSIBILITY** to pay the initial partial filing fee. Thus, Plaintiff must arrange with the appropriate official to ensure that the initial partial filing fee is paid in accordance with this order. Thereafter, Plaintiff's custodian shall remit monthly payments as set forth above.

#### **EXTENSION OF TIME TO FILE RECAST COMPLAINT**

On October 2, 2024, the Court ordered Plaintiff to recast his amended complaint on the Court's standard form, but the Clerk inadvertently failed to mail a copy of this form to Plaintiff with a copy of that Order. The Clerk thus mailed another copy of the standard § 1983 form to Plaintiff on October 17, 2024. Plaintiff shall therefore have an additional **FOURTEEN (14) DAYS** from the date of this Order to file his recast complaint, as previously directed.

#### **CONCLUSION**

Plaintiff has **FOURTEEN (14) DAYS** from the date of this Order to (1) either pay the \$27.50 initial partial filing fee or submit a renewed motion for leave to proceed *in forma pauperis* showing his present inability to pay that fee and (2) file his recast complaint with the Clerk of Court as previously ordered. **If Plaintiff does not timely and fully comply with this Order, this action may be dismissed.** Plaintiff is further **DIRECTED** to notify the Court immediately in

writing of any change in his mailing address. There shall be no service of process in this case until further order of the Court.

**SO ORDERED and DIRECTED**, this 31st day of October, 2024.

*s/ Amelia G. Helmick*  
UNITED STATES MAGISTRATE JUDGE